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TRANSLATION

OF THE

PERSIAN ABRIDGMENT

OF THE

REGULATIONS

Of the 5th of July, 1781,

Bengal - Governor and Council
Revenue Dept.
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FOR THE

SUDDER and MUFUSSUL DEWANNY ADAULETS

GALCUTTA:

AT THE HON'BLE COMPANY'S PRESS.

M.DCC.LXXXIII.

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PERSIAN ABRIDGMENT

INTRO

N. B. Whenever the words "Zemindar, &c." occur in the ensuing Abridgment, they must be understood to mean "Zemindar, ^{Chowdar} Tallukdar, or other Landholder;" and the words "Zemindary, &c." are to be understood in the same manner.

18th July 1781



TRANSLATION of the PERSIAN ABRIDGMENT
of the Regulations for the Administration of Justice in the
Mufussul and Sudder Dewanny Adaulets.

FOR the purpose of ascertaining the powers of the Mufussul and Sudder Dewanny Adaulets, the extent of their jurisdiction, and general line of duty, the following Regulations are hereby established.

Regulations for the Mufussul Dewanny Adaulets.

R E G U L A T I O N I.

THAT the Mufussul Dewanny Adaulets be at the following places:

Midnapoor,	Tajepoor,	Backergunge,
Raujchaut,	Boglepoor,	Islamabad,
Chittrah,	Rungpoor,	Morely,
Patna,	Nattore,	Calcutta,
Maffey,	Sultanoee,	Burdwan,
Derbungah,	Dacca,	Murshedabad.

II. THAT the same persons who have been heretofore superintendants in the above Adaulets, be continued in their employments: That, in case of the vacancy of the office of Judge of any of the Mufussul Adaulets, the Governor General and Council do appoint one of the Company's Civil Servants, who is not less than five years standing, to succeed him; and that he be not removed from his office, but at his own requisition, or on his being guilty of some misdemeanor:

REGULATIONS FOR THE

demeanor; That, in case of the vacancy of the office of Register, one of the Company's Civil Servants be appointed to that employment; and that the courts of Chittrah, Boglepoor, Islamabad, and Rungpoor, be held before the person who has the charge of the collections there.

III. THAT the Judges of the Adaulets do, before the Governor-General and Council, or such person as shall be deputed by them to administer the same, take and subscribe the following oath.

“ I do swear, that I will administer justice, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present, or Nazzer, either in money or effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of Adaulet under my jurisdiction; nor will I, knowingly, permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or Nazzer, either in money or in effects of any kind, from any party in any cause, or from any person whatsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of Adaulet under my jurisdiction; and that I will render a true and faithful account of all sums received for deposits on causes, and fees of court, and of all expenditures.”

IV. THAT the establishment of native officers in the said courts, except at Chittrah, Boglepoor, Islamabad, and Rungpoor, be the same as has hitherto been at Patna, Dinajepoor, Murshedabad, Dacca, Burdwan, and Calcutta; exclusive of the establishment of the inferior Dewanny Adaulets of Murshedabad and Calcutta.

V. THAT

V. THAT every Judge of the Mufussul Adaulets may appoint and displace the native officers conformably to their respective establishments, except the Naib of the Nazer, and the Mirdah and Peons, whom the Nazer is at liberty to appoint and remove at pleasure. It is, however, necessary, that the Nazer enter into a Muchulkah in such a sum, as the Judge shall see fit, for the good conduct of such persons. And the Judge is, at the same time, authorized to take Muchulkahs also from the Munfiffs and other native officers.

VI. THAT, to the Mufussul Adaulets of Patna, Dacca, and Murshedabad, there be added the following establishment of officers:

Six Munfiffs, at 50 Rupees	300
One Peishkar	50
Six Mohirrers for the Munfiffs, at 10	60
One Munshy	20
One Naib	15
Bukhshy	20
Paper, pens, and ink	20

VII. THAT the Register, the Darogahs, the Peishkars, the Mowlevies, the Munfiffs, the Persian Serihtadar, the Munshees, and the Mohirrers, do take and subscribe the following oath, according to their respective offices:

"I A. B. will truly and faithfully perform the office of (Register) of this court, according to the best of my knowledge and ability."

And that the Pundits do make and subscribe the following declaration:

"I will faithfully execute the office of a Pundit in this court, on questions put to me in writing, or by word of mouth, by the said court, or any Judge thereof. What is in the Shaster I will declare or give in writing: I will declare nothing not warranted by the Shaster. If I declare any thing not warranted by the Shaster, I shall be deserving of punishment from Ishawor."

VIII. THAT

VIII. THAT it be the duty of the Register to translate papers into Persian when the Judge shall require it, and to act under his orders. That the Darogah see to the execution of all acts of court, but that he do not either publicly or privately interfere in any matter depending before the court; and that the Judge do, as he shall see fit, allot and assign to each of the officers of the Adaulets his respective business.

IX. THAT every Mufussul court may frame rules and orders, but they must be transmitted to the Sudder under the seal of such court, and signature of the Judge, and when assented to by the Governor-General and Council, shall then become rules of all the Mufussul Adaulets. And whenever these regulations, or other rules and orders, shall be received from the Sudder in any Mufussul Adaulet, the Register shall write thereon the date of their receipt, and keep a copy of each in a separate book.

X. THAT, agreeably to the orders of the 6th of April 1781, a Table of Fees be transmitted to the Sudder by each Mufussul Adaulet for the consideration of the Governor-General and Council, who from them will form one distinct Table, copies whereof will be sent to all the Mufussul courts, which the Judges of the said Adaulets are to affix in a conspicuous place, with translations in Persian and Bengally. And if any of the Mufussul Adaulet officers shall take any fee or reward other than those authorized by such Table, a fine shall be imposed on him of treble the value.

XI. THAT each Mufussul Adaulet shall have and use a seal with the name of that Adaulet in Persian characters.

XII. THAT the jurisdiction of all the Mufussul Adaulets be distinct from the authority of persons employed in the collection of revenue; and such persons are commanded in no wise to interfere with the process of the Adaulets. And though

though the Judges of the Adaulets of Chitrah, Boglepoor, Islamabad, and Rungpoor, are also collectors of those places, they are nevertheless to consider the jurisdiction of the Adaulet as entirely separate from the authority of the office of Collector: That, in the business of collections, they be subject to the orders of the Committee of Revenue, and in that of the Adaulet, to those of the Governor-General and Council, and the Sudder Adaulet. They are also to transmit copies of all their judicial proceedings to the Sudder Adaulet, to which an appeal shall be in like manner as from other Adaulets, and act in every respect in conformity to the rules laid down for other Mufussul courts; with this difference only, that the establishment of these four places be less than that of other Adaulets.

XIII. THAT every Mufussul Adaulet be held in a spacious room in the place from which the said Adaulet is named, three days in every week, and oftener if necessary, except in the months of Bhadun, Afun, Aghun, and Poose, during which no court is to be held; and that no rule, order, or decree, be passed but on court-days, and in open court.

XIV. THAT the matters which shall henceforth be cognizable in the Mufussul Adaulets, be as follows:—All kinds of claims and disputes concerning Zemindaries, &c. and concerning rents, debts, accounts, contracts, partnerships, sales, and property real and personal, and all causes concerning marriage and caft.

XV. THAT every Mufussul Adaulet shall have power to try the causes above described, when the Zemindary, &c. in dispute, or the place where the cause of action arose, or the place of residence of the defendant at the commencement of the suit, is situated in any district over which the said Adaulet is hereinafter declared to have jurisdiction.

XVI. THAT the extent of the jurisdiction of the Mufussul Adaulets be as hereunder described, viz.

Midnapore,

Midnapoor, — in and throughout the districts of Midnapoor and Jellafore.

Raujehaut, — in and throughout Pacheat, including the petty Mahals, and in the district of Bishenpoor.

Chitrah, — in and throughout the districts of Ramgur, Palamow, Naugpoor, Kindy, Curruckdea; and Chackye.

Patna, — in and throughout the Sircars of Shahabad, Behar, and Rohtas.

Maffey, — in and throughout the Sircar of Sarun, including Hansypoor, and the Sircar of Champaran, including Betteah.

Derbungah, — in and throughout the Sircar of Tirkut and the Sircar of Hajypoor, and in and throughout that part of Purnea lying to the westward of the Cosah river, and that part of the Boglepoor district situated to the northward of the Ganges.

Tajepoor, — in and throughout the districts of Haveli Pinjerah or Dinajepoor, the districts of Purnea, excepting that part of it to the westward of the Cosah, the districts of Malduar, and all that part of the Rajemahel district situated to the westward of the Ganges.

Boglepoor, — in and throughout that part of the district of Rajemahel to the westward of the Ganges, that part of the Boglepoor district to the southward of the Ganges, and the Pergunahs of Sultanabad and Ammar, being the present extent of the collectorship, excepting such parts thereof as lie to the northward and eastward of the Ganges.

Rungpoor, — in and throughout the districts of Rungpoor, including Bakerbund, and the districts of Rangumatty, Goragot, Bajoohow, Seeroop-poor, Pattladah, and Beeterbund.

Nattore, — in and throughout the division of Silburris, containing the Pergunnahs of Silburris proper, Barbekpoor, Chowgong, Chowrah, Behar, &c. Deeteah, &c. Atteah, Burrabazoo, Cogmarray, and

Sankny;

Sankny; and in and throughout all those parts of the late Zilla of Murshedabad that are situated to the northward of the Puddah, the principal of which are, the district of Bettoreah, including that small portion of it which is situated to the southward of the Puddah, the pergunnahs of Pookareah, Rokunpoor, Lashkerpoor, Chundly, Jehanguerpoor, Collygong, Taherpoor, Mefat to Arifseidah, Hattindah, Fattehjungpoor, Mankowar, Coffimpoor, and Khirbah; together with such other unspecified parts of that division as lie to the southward of the river, except the annexations made to the jurisdiction of Rungpoor.

Sultanoee, — in and throughout all Sylhet, and that portion of the Dacca province which is situated to the northward of the Burrampooter and the Teetas.

Dacca, — in and throughout that portion of the Dacca province bounded on the north by the rivers Teetas and Burrampooter; to the east by Tipperah and Chittagong; to the west by the river Megna, as far as Chandpoor; and thence to the north-west by the Collygonga and Puddah, to Boosnah on the west, and the districts that form the eastern boundary of the jurisdiction of the Mufussul Adaulet of Nattore.

Bakkergunge, — in and throughout that portion of the Dacca province lying to the south-west of the Puddah and the Collygongah, and to the west of the Megna from Chandpoor to the sea; having for its western limits the eastern frontier of the districts of Boosnah and Jeffore; down to the mouth of the river Roymungal, including also all the islands belonging to and situated on the coast of the Dacca province, except the Pergunnah of Sundeep and its dependencies.

Islamabad, — in and throughout the districts of Chittagong, Tipperah, and the Pergunnah of Sundeep with its dependencies.

Morely, — in and throughout the districts of Boosnah, Shawjeal, and Jeffore, and in and throughout the Pergunnahs of Mahmoodshahy and Saidpoor.

Calcutta, — in and throughout the Pergunnah of Kisnagore, the Chucklah of Houghly, including that of Hidjely and the districts of the Twenty-four Pergunnahs and Mohammed-ameen-poor.

Burdwan, — in and throughout the Chucklah and Pergunnah of Burdwan, including the district of Sautseika and the Tannah of Cutwah.

Murshedabad, in and throughout the Pergunnahs of Beerboom and Raujeshahy, (exclusive of Ammar and Sultanabad annexed to the jurisdiction of the Mufussul Adaulet of Boglepoor, and of Seroop-poor and Pattladah and Beeterbund, annexed to the jurisdiction of the Mufussul Adaulet of Rungpoor,) and in and throughout the Pergunnah of Fattehsing, and such remaining portion of the Zilla of Murshedabad as is situated to the southward of the Pudda, except Boosnah, the Tannah of Cutwah, and Shawjeal.

XVII. THAT if any cause of action shall arise where the Zemindarry, &c, in dispute, or other subject of litigation, or the place of residence of the defendant shall be situated in or near the confines of one of the Mufussul Adaulets, and a suit be instituted in another court whose confines are contiguous to those of such Adaulet to which it might more properly belong — that other court shall, nevertheless, proceed to try and decide the cause in the usual manner. Nor is it in any case to be allowed that, after a suit has been commenced in one Adaulet, whose jurisdiction extends thereto, any other Mufussul Adaulet shall entertain another suit for the same cause; but, on proof being made to this effect, the action

action shall be dismissed, and the costs paid by the plaintiff, even though the two courts possess concurrent jurisdiction.

XVIII. THAT the Mufussul Adaulets are not authorized by these Regulations to entertain any cause relating to the Public Revenue; that is to say, if a cause be brought either by superiors against inferiors, or by inferiors against superiors, for any matter which relates to the payment or receipt of Revenue, the Mufussul Adaulets shall have no power to try or decide such cause.

XIX. THAT when in an action concerning the succession or inheritance to a Zemindarry, &c, there is a plurality of claimants, the Mufussul Adaulets make such a decree, as shall give to each what he is entitled to by the law of the religion he professes.

XX. THAT no suit whatever be heard in the Mufussul Adaulets which originated before the 19th of August 1765; nor any suit where the cause of action shall have arisen twelve years before any suit shall have been commenced for the same, unless the plaintiff can prove, that he had made his demand within that period, and that the defendant had admitted it, or that he had preferred his claim to a court of competent jurisdiction, and that, either from a minority or other sufficient cause, he had not obtained redress.

THAT no suit be heard against any Zemindar or other holder of land, being Malguzarry for the amount of a debt, or matters of that kind, contracted by his predecessor, unless it shall be proved that the money was paid to Government as part of the revenue of such Zemindarry, &c.

THAT the Mufussul Adaulets make no decree against any Zemindar, &c, merely on the credit of a bond or written instrument, without proof of the actual payment in ready money of the principal sum lent; nor sentence such Zemindar, &c, to pay any interest above 8 per cent. per annum, to be calculated down to the close of the country year immediately following the decree, and paid together with the principal in convenient yearly instalments.

THAT

THAT the amount of a decree be levied from such Zemindar, &c, in the following manner; that is to say, the Judge shall cause a copy of the decree to be delivered to the plaintiff, who shall present it to the Committee of Revenue, and they shall cause payment of the current Kift to be made within three months, in ready money, if the Zemindar, &c, possesses *Mohahenah*, or else by the sale of a portion of his Zemindarry equal to the Kift.

THAT no decree be made on a bond, &c, entered into by any such Zemindar, &c, after the 1st of August 1781, unless it shall have been entered into with the consent of the Committee of Revenue signified by a memorandum registered in the Canongoce office. And if such bond, &c, be in favour of any European employed in the collection of Revenue or in a court of justice, or native so employed, that no decree be given, whether a memorandum be or be not registered.

XXI. THAT the Mufussul Adaulets, in suits where the cause of action arose before the 28th of March 1780, or since that period, decree no more interest than the respective rates following, viz.

On a principal exceeding 100 Rupees before that time, 2 Rupees *per cent. per month*, and after, 1 Rupee *per cent. per month*.

On a principal not exceeding 100 Rs. before that time, 3 Rs. 2 As. *per month*, and after, 2 Rs. *per cent. per month*.

NOR decree compound interest in any way. Nor any interest whatever where the party, either before or after the said date, has taken an engagement for an higher rate than those above written: Nor give any decree in favor of the plaintiff, if he attempts, by any device, to elude this Regulation, but dismiss the suit with costs to be paid by the plaintiff.

XXII. THAT no decree be given on a bond passed after the said date, where it shall not be proved to have been signed and delivered in the presence of two witnesses; except the payment of the amount of the bond be established by pro-

per

per evidence. This order, however, does not extend to bills of exchange and the like, which are to be determined by the custom of the country.

XXIII. THAT the Mafussul Adaulet of Calcutta shall have no power to hear any suit concerning lands or other tenements situated within the bounds of the said town, or any suit whatever against any person who shall be, at the time it commenced or afterwards, a resident in or inhabitant of the said town; except causes of marriage and cast, where no money is demanded or decreed. The bounds of the said town are, the bridge and Nullah of Baug-bazar, Shaum-bazar, the Maratta entrenchment, and the road adjoining the same, continued to the westward of the Collyghaut road, the Govindpoor Nullah, and the River.

XXIV. THAT no Mafussul Adaulet shall have power to hold jurisdiction in matters of a criminal nature, and which are cognizable by the Foujdarry Adaulets, except for contempts of court, and perjuries, as hereinafter mentioned.

XXV. (1.) WHEN any person, or his Vakeel, shall present a complaint to any Mafussul court, concerning a matter cognizable therein, the court shall issue a Tullub-chitty to the defendant, containing a summary of the complaint. And the Nazer, or one sent by him, shall serve it on the defendant, and compel him to appear; or else take security for his appearance in a sum of money as the court shall direct. And the Nazer shall return the Tullub-chitty, on the day fixed therein, with an indorsement specifying in what manner he hath executed it. And if the defendant shall appear, the court shall fix a day for him to answer; and may also, if requisite, defer it: The court may, however, take security for his making answer on the day fixed, and for his submission to the court; and if he does not give security, the court shall imprison him till he performs the decree that shall be made. And when the defendant shall have made answer, the plaintiff shall reply to it next court-day, and the defendant shall rejoin the same day. But neither the replication nor rejoinder shall contain any new matter.

(2.) If

(2.) If either the plaintiff or defendant shall by mistake have omitted anything material in his pleadings, the court shall permit him to add it by way of supplement to his original plaint or answer, and the parties shall reply and rejoin as is above directed. But there shall be no more than one such supplement. And in case the defendant shall neglect to rejoin in time, the Register shall enter a rejoinder for him; and when the cause is thus in issue, the court, after giving eight days notice to the parties, shall, on a day fixed, examine the truth of it by the oaths of the parties, if they consent thereto, and of the witnesses, if they have produced any.

(3.) AND the mode of bringing witnesses shall be as follows; that is to say, a summons may issue to any witness whom the parties may require, except a native woman, who does not appear abroad. And if a witness whose testimony is proved to be material in the cause, shall not attend on the day appointed, or shall refuse to give evidence, the Nazer, on an order from the court, shall bring him forcibly, and inflict on him a fine as far as five Rupees, and shall imprison him till he agrees to give evidence. If a witness shall have incurred any expense in coming and going, the court shall cause the party that produced him to pay him what is reasonable; in failure whereof, such party shall not only be deprived of the benefit of his testimony, but shall, after the decree is passed, be imprisoned till he pays such amount.

(4.) THE Adaulet shall administer oaths to the parties in the above case, and to the witnesses according to their respective religions, but may dispense with the oath of a witness, who, according to the prejudices of this country, ought not to be sworn, on his subscribing a declaration to the following effect—to wit—if the witness be an Hindoo:

“ I will faithfully answer such questions as shall be put to me by the Court, in the cause now before the Court, according to the truth; I will declare nothing not warranted by the truth. If I declare any thing

“ not

"not warranted by the truth, I shall be deserving of punishment from
"Ishwur."

And in case such witness be a Mahammedan :

"I do sincerely promise and swear, in the presence of Almighty God,
"that I will faithfully, without partiality, answer any question put to me
"by the Court, respecting the cause now before the Court, according to
"the truth."

And such declaration, in the case above mentioned, shall be deemed sufficient.

(5.) EVERY exhibit or written evidence shall be openly produced at the trial of the cause, and shall, if disputed, be proved by witnessess sworn as aforesaid ; and every exhibit shall be identified by a mark made thereon, and shall be endorsed and minuted according to the date at which it was read.

(6.) If the witness be a woman who does not appear abroad, the Court shall send three persons of the cast of Dyes, to take her oath, or declaration, and to examine her on interrogatories on behalf of the parties, having first sworn them to execute the said commission faithfully and truly. And in like manner, if any witness shall reside in the jurisdiction of another Adaulet, and at the distance of more than fifty Coss, a letter shall be written, with the seal of the Court, to the Judge of such Adaulet, requesting him to take either the oath or declaration of the said witness, as his condition may require, and, after examining him on interrogatories on behalf of one or both of the parties in the cause, to transmit his deposition properly written and signed by such witness.

(7.) AND when the parties and their witnessess shall have been heard, the Judge shall make the decree. And if money is directed to be paid thereby, he may order it to be discharged by certain instalments : And in case of a loan, if the interest has exceeded the principal, may reduce it to one half the principal ; or, where it has exceeded one half of the principal, may reduce it to a quarter ;

and

and he shall order costs, which he himself shall tax, to be paid to the party in whose favor the decree is made: And the Court shall cause the decree to be executed, in case a Zemindarry, &c, be decreed to the plaintiff, by causing possession thereof to be delivered; and if it be other property, by the delivery of such property, or else by causing its value to be levied by the sale of such lands and houses being Lakheraje, and of other effects, by public auction, or by attachment of the person, or, when necessary, by both these methods. And when the decree is for a Zemindarry, &c, being Malguzarry, the Judge shall, in the space of one week, transmit a copy of the decree, under his hand and the seal of the Court, to the Governor-General and Council, with a short abstract thereof, and the name of the former possessor of such Zemindarry, &c.

XXVI. IF a suit be instituted in an Adaulet in which there are Munsiffs, for a sum not exceeding 200 Sicca Rupees, the Judge shall require the parties mutually to agree in having recourse to some one arbitrator or Munsiff; and if they shall not agree in that respect, or the arbitrator chosen shall refuse to act, the Judge shall appoint one of the Munsiffs of the Adaulet to be arbitrator; and when appointed, the Judge shall send him a copy of the complaint, with a short writing under his signature referring to him the cause. In summoning and swearing the parties and witnesses, the same mode shall then be observed, that is used in the Adaulet; and every person refusing to attend or give evidence, or making any default, or being guilty of a contempt to the Munsiff, shall be subject to the like penalties and punishments, as they would have incurred before the Judge. And when the arbitrator shall have made his award, he shall deliver it, on a day fixed, to the Judge, together with a summary state of the cause in writing under his signature and seal. And the Judge, after revising and correcting it, shall sign it, and make his decree conformable thereto. The arbitrator shall then deliver in to the Register all the papers and proceedings had before him in the cause, which shall be deposited among the muniments of the Court. And the decree shall be executed in the usual manner.

XXVII. THAT.

XXVII. THAT when a suit shall not exceed 100 Rupees, the Judge may command to the parties to appoint an arbitrator by next Court-day, which if they refuse to do, he may appoint some principal man, near the place where the action arose, to be arbitrator. And on a day fixed he shall bring his award before the Judge, who, after revising and correcting the same, shall make his decree according thereto.

XXVIII. THAT the Mufussul Audaulets may, in the course of the cause, make such other orders as justice may require.

XXIX. THAT when a defendant shall be imprison'd at the instance of the plaintiff, the Judge shall appoint an allowance for the defendant's subsistence which shall not exceed 4 Anas, or be less than 1 Ana per day. And the plaintiff, shall pay it through the hands of the Nazer whose receipts he shall take for what he pays. The first payment to be made immediately, and every other before the 1st day of each succeeding month. Which if the plaintiff neglects to do for the space of one month, the Nazer shall make a report to the Judge in writing, who shall cause a notice in the country languages to be affixed in a conspicuous part of the Court-room to this effect: "That if the plaintiff shall not within a month after the date thereof make such payments as are in arrear, together with that month's allowance, the defendant will be releas'd from his confinement." And if the plaintiff shall not do as is required by the notice, the Court shall accordingly release the defendant.

XXX. THAT when a Tullub-Chitty shall have been issued against a defendant, and it be found, by the Nazer's report, that he has absconded, the Judge shall cause a writing in the Persian and Bengal languages to be affixed in a conspicuous part of the Court-room, containing a copy of the Tullub-Chitty, and a notice, that if the party shall not appear on a certain day (not less than ten days from that time) the Court will proceed to hear and determine the cause without his appearing or answering. And the Court shall issue an order that a copy

of the Tullub-Chitty and notice, be carried to the village in which the defendant last resided, and proclaimed three several days within the said time. Which order the Nazer shall return with an endorsement, stating how the proclamations were made, that it may be filed of record. And if, after all, the said defendant shall not appear, or any defendant, having been served with such Tullub-Chitty, shall not attend, or shall refuse to give answer, or make other default, or shall admit the truth of the plaintiffs complaint, the Court shall give judgment, on examining the allegations of the plaintiff, and the depositions of his witnesses only.

AND if the plaintiff shall at any time neglect to proceed in his cause for the space of six weeks, the cause shall be dismissed; unless he can allege a reasonable and sufficient excuse. And the plaintiff may be made to pay the defendants costs.

IN case any defendant, after giving security for his appearance, shall not attend, or shall refuse to give answer, the plaintiff may, at his option, either institute a suit against the securities, and recover what is due to him from the defendant, or proceed against the party himself, as against a defendant not appearing or refusing to give answer.

XXXI. THAT when any Zemindar &c, or person employed in the collections under the Committee or under a Collector, or any woman who does not appear abroad, shall be defendant, the Judge of the Court shall not issue a Tullub-Chitty or other compulsory process against such party, but shall, in lieu thereof, issue a summons, — “ requiring such defendant to appear or send a Vakeel at an appointed time;” which summons shall be directed to the Nazer and shall contain “ a summary of the demand, and a notice that if such defendant shall not appear at the time appointed, or not give answer, or shall make other default, the Court will proceed to hear and determine the cause as if such party had appeared and answered.” And the said summons shall direct him “ to deliver a copy thereof to such defendant or to some principal servant of such woman.” And the Nazer shall use no compulsion in executing

executing the same, but on the day fixed for the defendant's appearance, shall return it endorsed with an account of its execution, or the reason why it was not executed.

If the defendant shall appear, the Court shall proceed to conduct, hear, and determine the cause in like manner as other suits are conducted.

BUT if such Zemindar &c, or principal servant of such woman, shall abscond, the Court shall cause proclamations &c, to be made according to the mode herein-before proscribed. And if, after all, he shall not appear, or shall neglect or refuse to give answer, or make other default, or shall admit the truth of the complaint, the Court shall, on examining the allegations of the plaintiff and the depositions of his witnesses only, decree and give judgment as though the defendant had appeared and answered.

XXXII. THAT every Mufussul Adaulet shall have power to issue Tullub-Chitties, Summons, and all other orders whatsoever, as well to the parties and witnesses, as to other persons, both in its own jurisdiction and in that of other Mufussul Adaulets. And the officers, also, are empowered to execute the same without hindrance from any one.

XXXIII. THAT if any Zemindar &c, or other native, employed in the business of revenue under the Committee, or under a Collector, shall resist the process of a Mufussul Adaulet, the Court shall summon him to appear. And if such Zemindar &c, shall abscond, he shall be proceeded against as is directed in such cases. And if he appears but does not answer, or if after hearing his answer, and the testimony of his witnesses, the said charge shall be proved upon him, the Court shall award and decree that he shall, from the time of the decree, forfeit his Zemindarry &c, and every right and title he or his heirs may have thereto. And if such offender be a person employed in the revenue, the Court may impose on him a fine not exceeding 2000 S.Rs. and shall cause it to be recovered like the amount of other decrees. And it shall be lawful for the said Zemindar &c,

or

or such person employed in the revenue, if the fine shall exceed two S. Rs., or appeal to the Sudder Adaulet within three months after such decree. But if such Zemindar &c, shall not appeal within that time, the Court shall immediately transmit to the Governor-General and Council a copy of the decree and the proceedings in the cause; nor shall such Zemindar &c, be expelled from his Zemindarry &c, without an order from the Governor-General and Council confirming the decree, and directing the manner of its execution, and to whom such Zemindarry &c, shall be delivered. And the Governor-General and Council may either order such decree to be executed, or commute the forfeiture for a sum of money which they shall deem adequate to the offence. But if neither of these measures take place within one month after transmitting the decree, it shall stand confirmed against such Zemindar &c, for ever. And the Court shall order the said Zemindarry &c, to be seized and sequestered, and committed to the charge of an Ameen appointed by the Court, till the Governor-General and Council shall order the delivery of it to another person. Which when they shall have done, the Ameen, after the necessary deductions for his expences and trouble to be allowed by the Court, shall pay the balance of the rents and profits thereof to such person.

XXXIV. THAT the Register of every Mufussul Adaulet shall keep a separate cause book, in which shall be entered every cause for the trial of which a day has been appointed; and shall, on that day, or as soon after as time will permit, call on such causes for trial in the order in which they shall have been entered. And the Court shall, if there be no impediment, proceed to determine each in that order. A list of the causes, also, and of the days of trial, shall be constantly affixed in a conspicuous part of the Court-room.

XXXV. THAT in all cases of disputed property regarding lands, houses, and their boundaries, an Ameen, where it is necessary, shall be appointed and shall be sworn, "to make a true and faithful report to the Court, of the several matters.

" which shall be given him in charge by the Court; and that he will not take or receive from either party, any gratuity or reward, other than such sum as shall be allowed to him by the Court." And the Ameen shall, on a day fixed, give in his report under his signature, which shall be received as evidence in respect of the matters committed to him. And the Court shall cause a recompence to be made to the Ameen for his trouble, which shall be added to the costs, and paid by the party against whom the decree shall be made. But care must be taken lest, by any means, unnecessary expences be incurred.

XXXVI. THAT in all causes concerning disputed accounts, partnerships, debts, doubtful or contested bargains, and non-performance of contracts, the Judge of the Court shall recommend to the parties to agree in having recourse to an arbitrator, who shall decide without fee or reward, and whose award shall become a decree of the Adaulet; but his appointment to be at the option of the parties. And the Judge is to endeavour, without compulsion, to induce men of credit to perform this office, but shall not permit his private servants or any of the officers of the Court, the Munsiffs excepted, to be arbitrators.

XXXVII. THAT in all suits concerning succession, inheritance, marriage, and cast &c, which bear relation to religious institutions, the Koran, with respect to Mohammedans, and the Shafter, with respect to Hindoos, shall be adhered to. And the Mowlevies and Pundits shall attend to expound the law.

XXXVIII. THAT no Judge of a Musuful Adaulet, except in the cases mentioned in these regulations shall take any report of facts relating to a cause in order to a decree, from any officers of the Court or from any other person. But in points relative to the Mohammedan law and to the Shafter, the Judge may state the case in writing, and after signing it, refer the question to the Mowlevies or Pundits. And the Mowley or Pundit shall write the answer on the same paper, together with the date of putting the question and of giving in the

ANSWER,

answer, and sign it with his name : And another paper may be annexed if need be.

XXXIX. THAT if, in any of the six former Adaulets of Patha, Purnea, Murshedabad, Dacca, Burdwan, and Calcutta, before the new Regulations passed in Council on the 6th April 1781 were notified to such Adaulet, a suit, which, until then was cognizable therein, shall have been instituted, and witnesses examined, the Judge may proceed to determine the cause. But if no evidence has been taken, the Judge shall immediately transmit the original bill of complaint, the pleadings, and other proceedings in the cause, under his signature and the Seal of the Court, to that Adaulet to which, by the Regulations, the cause appertains. The Judge of which Adaulet is hereby empowered to proceed in the cause in like manner as he would have done if it had been originally instituted before him, and shall record the said papers in his own Court. So that the parties shall be under no necessity of presenting a new complaint or answer, or deposite, but that the original deposite remain in the former Court, and be afterwards transmitted to the Sudder Adaulet.

XL. THAT no award of an arbitrator be set aside in any Mufussul Adaulet, unless gross corruption or partiality be proved on him by the oath of two witnesses.

XLI. THAT if any person be guilty of a contempt of Court in open Court, it be in the option of the Judge, according to the circumstances of the person, to punish him by the imposition of a fine not exceeding 100 Rupees, and by committing him until he pays it, or by mere imprisonment for not more than one month.

XLII. THAT if any witness or other person shall be guilty of wilful and corrupt perjury in a matter depending in Court, the Judge shall immediately commit him to close custody, and send him without delay to the Zilla Foujdarry Adaulet, with the evidence in proof of his offence, and a charge sign'd by the Judge, to be proceeded against according to law.

XLIII. THAT

XLIII. THAT if any person shall commence a suit in a Mufussul Adaulet, and shall, either before or after it is concluded, commence another suit on the same account in another Mufussul Adaulet. Or if any person shall set on foot a suit that is frivolous, vexatious, or groundless, the Judge shall dismiss it with such costs as he shall think proper, and may moreover commit the plaintiff to close custody for a time not exceeding a month, or he may order him to receive corporal punishment as far as twenty strokes of a rattan, according to his offence or his station in life.

XLIV. THAT such Fees as Chouth, Duffuttra, Panchottra, Itlak &c. be on no pretence received; but that a deposit be taken of the plaintiff at the commencement of every cause in manner following:

On sums as far as 1000 Rs.	- - - - -	5 per Cent
On do do 5000	- - - - -	4 do
On do do 10,000	- - - - -	3 do
And on all above 10,000	- - - - -	2 do

AND in suits concerning land, the valuation to be according to its Jumma, that is to say, Lakheraje lands, at ten times the amount of their annual produce, and Malguzary lands, at the amount of one year's Jumma. But if the whole of what is demanded in the complaint be decreed to the plaintiff, a sum equal to the deposit shall also be decreed him, over and above the costs. And if part only be decreed, a sum in proportion to that part: And such sum shall be recovered against the defendant in like manner as the amount of decrees is ordered to be recovered.

XLV. THAT if it be proved by the oath of the plaintiff and two credible witnesses to the truth of such oath, that the plaintiff, after his debts are paid, is not worth more than 100 Rs. exclusive of the value of the deposit, the Judge of the Court shall accept either a Malzaminy to the amount of such deposit and of such costs and Fees as are likely to be incurred, or the Hazerzaminy of two sufficient persons, joined with an engagement from the plaintiff himself to appear. If

he gives a Malzaminy and the suit is determined against him; the Judge shall cause the deposite, fees, and costs to be paid to the register of the Court. If an Hazerzaminy be given and the decree goes against the plaintiff, the Judge, if he shall deem the suit frivolous or vexatious, and the plaintiff shall not pay the deposite, fees, and costs, shall commit him to close custody for a space not exceeding 3 months. But if the said two securities shall not produce the plaintiff, or shall not cause such deposite, fees, and costs to be paid, he shall commit them to the common Jail for a time not exceeding 3 months. And the plaintiff who was committed, shall, at the end of his confinement, be discharged from the payment of costs. And if the decree be for the plaintiff, the amount of the deposite shall be added to the costs, and the plaintiff, when the decree is executed, shall pay the sum so added into Court, to be accounted for in the mode prescribed for deposites.

XLVI. THAT neither any complaint of a plaintiff, nor answer of a defendant be received, but from the party himself or his Vakeel, whose Vakalet-nameh, signed and sealed by his constituent in the presence of two witnesses, shall have been filed of record.

XLVII. THAT every bill of complaint shall state the matter of the complaint, and if it be concerning a Lakheraje Zemindarry &c. shall state the annual produce thereof, and if the Zemindarry &c. be Malguzarry, its annual revenue, together with the name of the defendant and the time when the cause of action arose. It shall also be sign'd by the plaintiff or his Vakeel, and by the Judge of the Adaulet who shall number and date it in the order in which it is received. And it shall be register'd in a book by a Mohirrer, to whom and to no other it shall be delivered. And all the pleadings in every cause shall be written in the Persian or Bengal language and no other.

XLVIII. THAT every Tullub-Chitty, summons, or other process, and every order of Court be written in the Persian and Bengal languages, sealed with the seal of the Court and sign'd by the Judge.

XLIX. THAT

XLIX. THAT if, in a cause, any written evidence be presented, which the Adaulet shall think fit to reject, the Judge shall endorse it with the word "rejected," with the name of the cause, and of the party who produced it, and with the date at which it was rejected. And after adding thereto a memorandum signed by himself containing his reason for not admitting the same, shall return it to the person that presented it.

L. THAT in every decree of a Mufussul Adaulet, the names of the witnesses on whose depositions, and the title of every exhibit, on which the decree is founded be inserted, and the Judge shall affix thereto the seal of the Court, his own signature, and the date of issuing the decree. And either at the time of making, the decree, or on some other fixed day, the Judge or Register shall in open Court, deliver or tender to each party, or their Vakeels, a copy thereof with the seal of the Court, the signature of the Judge, and an endorsement by the Register of the date of such delivery. And an entry expressing the date of the said delivery or tender, shall be made by the Register on the margin of the record opposite the decree.

LI. THAT in every Mufussul Adaulet a book be kept, in which the proceedings of each cause, and every order and act of Court shall be minuted in Persian, and each day signed by the Judge. That the several complaints, answers, replications, and rejoinders of the parties, and every deposition, exhibit, and other paper filed in the cause be referred to in such minutes by the marks and numbers endorsed on them at the trial. And that records shall be kept in the Adaulet, numbered in the order in which the causes are tried, and in the following form: to wit, at the conclusion of each cause, the petition, answer, and all the other pleadings of the parties, all kinds of evidence, all orders of Court with their returns in the order they were made, the decree, the order for its execution, with the return, and all the proceedings, shall be written on a roll of strong paper in the language in which the petition and answer were originally made. But in

every case the orders and acts of the Court shall be enter'd in Persian, and if any deposition or exhibit be in any other language than Persian or Bengally, it shall be enter'd with a Persian translation. And such record shall be authenticated by the seal of the Court and signature of the Judge, and countersigned by the Persian Serishtadar, and be carefully kept in this form by the Register. And a copy thereof with the seal of the Court and signature of the Persian Serishtadar shall be received as valid in every Mufussul Adaulet.

LII. THAT the Judge of every Mufussul Adaulet shall cause a summary register to be kept in English of his daily proceedings, containing the names of the plaintiff and defendant and the substance of the cause and of the decree, together with the date when the complaint was filed and the decree made, and transmit it monthly to the Sudder Adaulet.

LIII. THE decree of the Mufussul Adaulet shall be final on account of any Lakharaje Zemindarry &c. whose annual produce shall not exceed 100 S.Rs. and on account of any Malguzarry Zemindarry &c. whose Jumma shall not exceed 1,000 S. Rs, and for any sum of money or other thing which shall not amount to more than 1000 S.Rs. But when a decree on any of the above accounts shall be for more than the sums so defined, the person who suffers by it, may appeal, to the Sudder Adaulet. So that such appeal be presented either to the Mufussul or Sudder Adaulet within 3 kalendar months; It may, however, be presented to the Sudder Adaulet after that time also if a reasonable excuse can be pleaded. And if the petition of appeal be against a decree, whereby the right of possession of any Zemindarry &c. is decreed to the plaintiff, all proceedings shall immediately be stayed, until it shall be determined in the Sudder Adaulet, if the appellant will give security equal to one year's rents and profits of the said Zemindarry, &c. But if he shall not do so before the next Court day after the appeal is preferred, the Mufussul Adaulet shall order the decree to be executed. And in all other cases the Mufussul Adaulet may either execute the decree, or take security for the

the performance of it from the party against whom it is made, in a sum equal to what is decreed. And if the Court execute the decree, security shall be taken from the party in whose favour it is passed, in a sum equal to what is decreed, for the performance of the order of the Sudder Adaulet in that respect. And in all cases the appellant shall give security as far as 500 Rs. for the payment of the costs and performance of the orders of the Sudder Adaulet. And when any petition of appeal, with the securities here mentioned, shall have been received in any Mufussul Adaulet against a decree of such Adaulet, the Judge shall endorse thereon, in his own hand-writing, the date when it was presented, and sign it with his name, and cause the word "appealed" to be written in the margin of the record opposite the decree. After which, he shall transmit the said petition to the Sudder Adaulet without exacting a deposit. And he shall cause a written notice to be given to the appellant that he will within ten days certify to the Sudder Adaulet the proceedings in the cause, and that if the appellant shall not proceed in his appeal within six weeks after it is received in the Sudder, and shall have no sufficient excuse, his appeal will be dismissed.

LIV. THAT the Judge of the Mufussul Adaulet shall, within 15 days after receiving the appeal, certify under his hand and the seal of his Court, and transmit to the Sudder Adaulet, the record made up as aforesaid, together with the original complaint, and all the pleadings, depositions, and exhibits, and every original paper read in the cause; of all which he shall keep copies in the Mufussul Adaulet signed by the Persian Serishiadar, which copies shall be deemed records of the Court, and shall be received as evidence in every other Mufussul Adaulet. But when any original deposition or other proceeding, shall have heretofore been entered in a book among other matters, so that it cannot be sent separately to the Sudder, he shall certify a copy thereof, and transmit it with the other papers, mentioning at the same time the reason for so doing. And in case any original paper shall have been mislaid or lost, and there is a copy of it in

any

any book of proceedings, he shall consider that as the original, and shall send a copy of it to the Sudder Adaulet, with an explanation of this circumstance. And he shall also send to the Sudder Adaulet an English translation of all the papers which are hereby required to be transmitted.

LV. THAT when an order of any kind relative to a cause depending in the Sudder Adaulet, shall be directed to a Judge of any Mufussul Adaulet, he shall execute and return it within the time limited, with an account of its execution, or the reason why it was not executed, and shall keep a copy of the order and the return, among the records of his Court. And the Judges of the Mufussul Adaulets shall obey every order concerning any appeal or other matter which shall come to them under the seal of the Sudder Adaulet, and the signatures of the Judge and Register thereof. And when any order shall be received from the Sudder Adaulet, which is to be served on one of the parties in a cause, and such party shall abscond, the Judge of the Mufussul Court shall affix in a conspicuous part of his Court-room a paper in Persian and Bengally containing a copy of the order, and a notice, "that if the party shall not obey the exigence thereof within the time limited thereby, the Sudder Adaulet will, without further notice, proceed to decide the cause *ex parte*." The Judge shall also cause proclamation to be made in the village where such party shall reside in the manner prescribed respecting other absconders, and shall report the circumstances to the Sudder Adaulet.

LVI. THAT the Judges of the Mufussul Adaulets be allowed to deduct 10 *per cent*, from the deposites paid into each Court since the 6th April 1781 and apply it to their own use. And every Judge shall keep an account of the deposites received and the fines imposed by the Court, and transmit a copy thereof every 3 months to the Sudder Adaulet, together with the remaining amount of the deposites and fines.

LVII. THAT

LVII. THAT that the respective Judges of the Mufussul Adaulets of Patna, Murshedabad, Tajepoor, Burdwan, Dacca, and Calcutta, do, on or before the 1st September next send to the Sudder Adaulet an account of the depositories and fines received, from the institution of the said Adaulets to the 1st of April 1781, together with the monies arising therefrom, or on account of their expenditure.

LVIII. THAT the Judge of every Mufussul Adaulet take special care to prevent the influence of his private servants in causes, and that there be no connexion between them and the parties.

LIX. THAT any servant of a Mufussul Judge, who shall, directly or indirectly, take a bribe from a party in a cause, shall be committed, and shall be punished by a fine of treble the value of what he has taken, or by imprisonment, or by corporal punishment, as the said Judge or the Sudder Adaulet, if a complaint has gone thither, shall see fit. And the said Judge shall not thenceforth, employ him in any of his business public or private.

LX. WHEN a case shall arise within the jurisdiction of the Mufussul Adaulet, for which no special directions are here given, the Judge shall act according to justice and good conscience.

LXI. THAT the Judge of every Mufussul Adaulet do, in all matters, adhere to these Regulations, and to all other rules of practice and standing orders which he may receive from the Sudder Adaulet under the seal of that Court.

LXII. THAT the forms for precedents which shall be transmitted from the Sudder Adaulet to the Mufussul Adaulets shall, as nearly as the matters will admit, be adopted and used.

Regulations for the Sudder Dewanny Adaulet.

LXIII. THAT there be a Court called the Sudder Dewanny Adaulet, to be held before one person appointed by the Governor-General and Council, who shall be called the Judge of the Sudder Dewanny Adaulet, and who shall take either before them or the Governor-General the following oath. " I

“ I will, to the best of my knowledge, skill, and judgment, duly and justly execute the office of Judge of the Sudder Dewanny Adaulet, and impartially administer justice in every cause, matter, or thing which shall come before me.”

LXIV. THAT the Judge of the Sudder Adaulet may dismiss and appoint his own officers, but that the Register be not appointed without the consent of the Governor-General and Council. [In respect of taking Muchulkahs, and of the appointment of certain officers by the Nazer, this regulation prescribes the same mode as is laid down in the 5th regulation.]

LXV. THAT the same oaths and declarations be taken from the officers of the Sudder Adaulet, as are required in the Mufussul Adaulets.

LXVI. THAT the Sudder Adaulet shall use a seal on which shall be cut in Persian characters مہ عدالت دیوانی صدر Muhur e Adaulet e Dewanny e Sudder.

LXVII. THAT the Sudder Adaulet be empowered to frame rules of practice and standing orders for the Sudder and Mufussul Adaulets, and also to revise, alter, approve, or disapprove of such as shall be framed in the Mufussul, such rules and standing orders with a detail of the Sudder Adaulet's judgment thereon, being transmitted to the Governor-General and Council for their approbation.

LXVIII. THAT the Register of the Sudder Adaulet do keep two separate books, in one of which these Regulations and all standing orders respecting the Sudder Adaulet, and in the other all standing rules and orders for the Mufussul Adaulets shall be respectively enter'd and authenticated [in the manner directed in the 9th regulation, adding only in the latter the dates when such rules were approved by the Governor-General and Council, and received in the Sudder Adaulet]. And the Register shall prepare copies of all such standing rules and orders which relate to the Mufussul Adaulets under the seal of the Sudder Adaulet, his own signature and that of the Judge, and shall within seven days after the original is received from the Governor-General and Council, transmit a copy to each Mufussul Adaulet.

LXIX. THAT

LXIX. THAT whereas a table of fees has been framed by the Judge of the Sudder Adaulet, and approved by the Governor General and Council, the said Judge do, within one week after the receipt of these regulations, cause a copy of such table in English, Persian, and Bengally, to be affixed in a conspicuous part of the room in whieh the Sudder Adaulet is held. That the officers of the Court may collect their fees agreeably thereto; nor are they to take any thing not authorized thereby. And if the Judge of the Sudder Adaulet shall take money, the same penalties shall be recovered of him, as from the Mufussul officers on account of such offence.

LXX. THAT the Court of Sudder Adaulet be held in a large room within the limits of Calcutta as before described, and do fit on fixed days as busines may require; and that the Judge be authorized to make proper adjournments, and if for any cause he cannot be present, the register shall adjourn as he shall direct.

LXXI. THAT no rule, order, proceeding, or decree be made but on Court-days and in open Court.

LXXII. THAT the Sudder Adaulet shall have power to determine all kinds of causes which shall be for that purpose transmitted by the Governor-General and Council and are not of a criminal nature, and to order the decree to be executed in like manner as is done by the Mufussul Adaulets.

LXXIII. THAT it be competent to the Sudder Adaulet, when any Mufussul Court shall have declined hearing a cause which was cognizable therein, to send an order to the Judge thereof, to entertain and determine the same. But if the plaintiff shall not have paid such deposite as is herein required, or have given security as a poor person, no proceedings shall be had in the cause, till he has paid such deposite or given security. And if he shall neglect to do so for six weeks after the receipt of the order from the Sudder, the Judge of the Mufussul Adaulet may, notwithstanding such order, dismiss the suit. And shall, within one week, certify such dismission and the cause of it, under his hand and the seal of the Court, to the Judge of the Sudder Adaulet.

LXXIV. THAT

LXXIV. THAT the Sudder Adaulet be as well a Court of appeal as of review, concerning all complaints (except in matters of revenue) which have been determined by any provincial Council or any member thereof, or by any collector of revenue of Chittrah, Ramgur, Rungpoor, Boglepoor, or Islamabad, or any Mufussul Dewanny Adaulet, if the decree be for any Lakhheraje Zemindarry &c. the annual profits of which exceed 100 S. Rs, or for any Malguzarry Zemindarry &c. whose annual revenue exceeds 1000 S. Rs : And if the appeal against the said Decree, issued by any provincial Council or member thereof, or any collector of one of the five places abovementioned on or before the 6th April 1781, shall be presented on or before the 1st February 1782 : Or if the appeal against such decree passed by any Mufussul Adaulet since the 6th April 1781, be presented either in the Mufussul or Sudder within three months after it was so passed : or else in the Sudder after that time with a sufficient excuse for the delay : the Sudder Adaulet shall have power either to confirm or reverse such decree, and make further order therein as justice may require, and may decree such costs as seem reasonable.

LXXV. THAT if a petition of appeal be presented against a decree founded on an award of an arbitrator, it be dismissed, unless it be proved by two credible witnesses, that the arbitrator has been guilty of corruption or partiality.

LXXVI. THAT in causes transmitted to the Sudder Adaulet by the Governor-General and Council, and in all cases of appeal and review, except as to receiving evidence, the Sudder Adaulet shall proceed in the manner prescribed to the Mufussul Adaulets.

LXXVII. THAT every written order which shall issue from the Sudder Adaulet, be written in Persian and Bengally with the seal of the Adaulet, and the signatures of the Judge and register. And that every order to be served on persons in the Mufussul be directed to the Judge of that Adaulet in whose jurisdiction the cause of action shall have arisen, or the lands in dispute, or place of residence

residence of such persons shall be situated. And limit a time certain, in which it shall be served and returned to the Sudder Adaulet. And the Judge, to whom it is directed, shall execute the same, and return it within the limited time, or return sufficient reason for not having executed it.

AND if such Judge shall be wilfully disobedient or negligent in such matter, or shall make a false return thereto, he may be suspended from his office, by order of the Judge of the Sudder Adaulet, until the orders of the Governor-General and Council shall be received concerning him. And in case of such suspension, the Judge of the Sudder Adaulet shall, within ten days after, report it with the cause thereof to the Governor-General and Council, and certify and transmit to them, under his hand and the seal of the Court, such papers as may be necessary for the investigation of the affair, and every other paper which they may require.

AND in case a decree for money be passed in the Sudder Adaulet against any Zemindar &c. the Judge shall only send a copy of such decree, under the seal of the Court, his own signature, and that of the register, to the Mufussul Adaulet. And the Sudder Adaulet shall proceed to execute the same in the manner prescribed to the Mufussul Adaulets in such cases. Concerning which, the same injunction is here laid on the committee of revenue as is herein before expressed with respect to the Mufussul decrees.

LXXVIII. THAT when any written order against a party in a cause, shall be transmitted from the Sudder Adaulet, to the Judge of any Mufussul Court, and such Judge shall return that the party has absconded, and that he had caused a writing to be stuck up, and proclamations to be made as herein directed, if after all, the party shall not appear, the Sudder Adaulet shall deside the cause ex parte.

LXXIX. THAT when in the case of an appeal, it shall appear that the original cause has not been sufficiently investigated in the Mufussul, the Sudder Adaulet

daulet may on that account, or for other reasonable cause, either receive further evidence, or may send the cause back to the Court in which it originated, with special directions with regard to the receiving of new evidence.

LXXX. THAT the Sudder Adaulet may either swear and examine witnesses viva voce in open Court, causing their depositions to be written and respectively signed, or may order the register to take the oaths and signatures of the witnesses, and hear their evidence, in the presence of the parties or their Vakeels, who shall, in the course of the examination, put what questions they please, which together with the answers shall be also committed to writing and signed, and shall, with the other evidence, be authenticated by the signature of the register. If, however, neither the parties nor their Vakeels shall, after notice given, attend, he shall notwithstanding examine the witnesses. And in all cases where the Mufussul Adaulets are empowered to dispense with an oath, the Sudder Adaulet shall have the same power; and in taking declarations from persons of a certain rank, and in commissioning female Ameens to women who do not appear abroad, and in sending letters to Mufussul Judges to examine witnesses, who reside at more than 50 miles distance from Calcutta, the same directions shall be observed in the Sudder as have been given to the Mufussul Courts.

LXXXI. THAT when a witness duly summoned shall not attend, or shall refuse to be sworn, or give evidence, and when any person shall be guilty of wilful or corrupt perjury, or contempt of Court, he shall be dealt with as in the Mufussul Adaulets.

LXXXII. THAT if the appellant, in any appeal filed in the Sudder Adaulet, shall not proceed therein for six weeks, and shall allege no sufficient excuse, the appeal shall be dismissed. And the Court may award costs against the appellant.

LXXXIII. THAT when a cause is referred by the Governor-General and Council, the plaintiff, if they shall not otherwise direct, shall, before the same be proceeded in, pay at the Sudder the same deposit, which would have been

required

quired in the Mufussul. And every appellant shall in like manner pay in a deposite, which shall bear the same proportion to what has been decreed, that the deposite made in the Mufussul by the plaintiff in the cause did to the original claim in the complaint. Which deposite if the original decree be reversed at the Sudder, shall be decreed to the appellant. But the Judge of the Sudder Adaulet shall at the same time have power, in lieu of the deposite, and of fees and costs, to take a Malzaminy or Hazerzaminy in like manner and for the same cause as is allowed in the Mufussul; and in case of non-payment, to proceed against the appellant or his securities as is done in the Mufussul.

LXXXIV. THAT in causes referred by the Governor-General and Council, no proceedings shall be had except by the parties or their Vakeels, and that the business of an appeal shall not be conducted but by the parties therein, or their Vakeels; and that no act shall be done by such Vakeel likewise before his Vakalutnamah shall have been filed in such terms and in like manner as is directed to be done in the Mufussul.

LXXXV. THIS regulation corresponds with the 33d excepting only that the clause of the 33d which allows an appeal to be made from the decision of the Mufussul Courts is omitted here, and a direction inserted, that in case of an appeal and a confirmation of a decree against a Zemindar &c, a copy of the decree and proceedings is to be transmitted to the Governor-General and Council.

LXXXVI. THAT the petition of appeal do state the sum, or value of the thing decreed, or the annual produce or revenue thereof, the name of the person in whose favour the decree was made, the Court in which it was made, when it was passed, what was decreed thereby, and whether the decree has been executed, and assign some cause, special or general, for making the appeal.

LXXXVII. THAT the Register of the Sudder do number, mark, date, and sign papers in causes, in the same manner as the Mufussul Registers are directed to do. That he keep such an abstract Register as is ordered to be kept in each

Mufussul Adaulets; and that in preparing decrees, and copies thereof, and delivering them to the parties, and in keeping records he follow the directions given to the Mufussul Courts.

LXXXVIII. THAT when an appeal shall be made directly to the Sudder, against a decree for a Zemindarry &c., passed in favor of the plaintiff, but not yet executed, and the party appealing shall have given security equal to 1 year's rents and profits of such Zemindarry &c., the Sudder Adaulet shall send an order to the Mufussul, to stay execution until the appeal shall be determined. But if such party shall not have given security in the Mufussul, the Sudder Adaulet shall not proceed in the appeal till such security be given.

LXXXIX. THAT the treasurer of the Sudder Adaulet do keep an account, of the monies received from the Mufussul Courts and in the Sudder, on account of depositories. And that the Judge do, every six months, transmit a copy thereof, signed by himself and the treasurer, to the Governor-General and Council. That such monies be kept in chefts with two Locks, one key of which shall be kept by the Judge and the other by the treasurer. And that in the disposal thereof they shall obey the orders of the Governor-General and Council.

XC. THAT the Judge of the Sudder Adaulet do every six months report to the Governor-General and Council, from what Judges of the Mufussul Courts he has received accounts of the sums to be transmitted by them to the Sudder, what sums he has received from them, and also what other accounts and papers required to be sent from the Mufussul. And if any of the same have not been received, he shall report the names of such as have made default in that respect.

XCI. THIS regulation is the same for the Sudder that the 58th is for the Mufussul.

XCII. THIS regulation corresponds in like manner with the 59th.

XCIII. THIS regulation also is the same for the Sudder that the 60th is for the Mufussul.

XCIV. THAT

XCIV. THAT this code of regulations be on the next Court-day after it shall be received in the Sudder and Mufussul Adaulets, openly read and published in each ; and after being translated into Persian and Bengally, be affixed, for a space not less than a month, in a conspicuous part of the Court-room of each Adaulet.

XCV. THAT after the 1st April 1781 these rules and regulations, except where they shall be altered by the Governor-General and Council or the Sudder Adaulet with their consent, shall be the only standing rules and regulations for the administration of justice in the Courts of Sudder and Mufussul Dewanny Adaulet.

S U P P L E M E N T.

WHEREAS Orders have been received from England to this effect, that the Governor General and Council, or a Committee of them, or appointed by them, shall sit and determine on Appeals; It is hereby made known, that wherever the term *Judge* of the *Sudder Adaulet* is used in the preceding Regulations, it is to be understood of the Court of Sudder Adaulet, whether consisting of the Governor General and Council, or a Committee of them, or of any Member or Members who shall constitute that Court.

Passed in the Revenue Department the 8th April 1783.

By Order of the Governor-General and Council,

WILLIAM CHAMBERS.

19th April 1783.

F I N I S.

Half a mile from the town of Tantawor
is a village called Sungkali. It is situated in
a valley between two hills, one of which is
so high that it is visible for a long distance.
The name of the village is derived from the name of the hill,
which is said to exceed the height of the mountain of
the same name in the province of Bengal.
The village is situated on a plain, and is surrounded by
a number of small hills and mountains, some of which are
covered with dense forests.

The people of Sungkali are mostly agriculturists,
and cultivate rice, corn, and other crops. They are
also engaged in fishing and hunting. The men
are generally tall and strong, while the women
are smaller and more delicate. The children
are well educated, and receive a good
education at the local schools. The people
are friendly and hospitable, and are
known for their good character and
kindness to all.

28: Sungkali and Adyawati, a story in brief

Sungkali and Adyawati, a story in brief

Sungkali and
Adyawati

28: I

